

20 June 1985

MEMORANDUM FOR: Executive Secretary
Information Review Committee

ATTENTION:

FROM:

DA Information Review Officer

SUBJECT: FOIA Appeal from George Lardner, Washington Post Reporter
Re: Records Pertaining to EO 12036

REFERENCE: F81-0301

1. The Directorate of Administration (DA) has conducted an initial search for documents responsive to referent FOIA request at the request of the Office of General Counsel (OGC) in response to the requester's appeal of the Agency's initial determination. I assume that the decision to task additional components was due to the fact that the appeal also questioned the adequacy of the initial search conducted by the Agency. I do not believe the mere speculation that files might conceivably exist is an adequate basis to conduct additional searches. It seems to me that the courts have held that the test is not whether any further documents might conceivably exist but rather whether an Agency's search for responsive documents to a requester is reasonable.

2. The above notwithstanding, the DA search surfaced 17 responsive documents. These documents are described on the attached response forms. Eleven of these documents were originated by OGC and are therefore referred to that office. Six of the documents originated within the DA. These six documents are all denied in their entirety under one or more of the following FOIA exemptions; (b)(1), (b)(3), and (b)(5). It appears that most of these 17 documents were denied by OGC in the initial response.

Attachments
As Stated

cc: [redacted] GC (w/att)
DDA (w/response forms only [81-0618])

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